

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

YURI ALISHAEV

NO. 3:20-CR-332-B

UNOPPOSED MOTION FOR PRESENTENCE PAYMENT

The United States of America, pursuant to 28 U.S.C. §§ 1651, 2041, and 2042, moves this Court for an order directing the defendant, Yuri Alishaev, to make payment, and for the Clerk of Court to accept payment at or before sentencing and entry of judgment, and in support states the following.

On August 4, 2020, Yuri Alishaev pled guilty to a one-count information charging him with committing a misprision of a felony, in violation of 18 U.S.C. § 4. *See* Information, Plea Agreement, Factual Resume (Dkts. 1, 3, and 5.) In Alishaev's plea agreement, he agreed to pay \$150,000 in restitution prior to his plea hearing, and he further agreed to pay \$350,000 prior to sentencing. *See* Plea Agreement (Dkt. 3 at 5.) The defendant agrees to pay the \$150,000 amount no later than August 11, 2020 and to pay the \$350,000 amount no later than November 11, 2020.

Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold funds on behalf of a defendant until sentencing, and pursuant to 28 U.S.C. § 2042, the Clerk of Court is authorized to withdraw and apply the funds to the financial obligations imposed against the defendant at sentencing. Alishaev may submit payments by cashier's checks payable to the Clerk of Court with 3:20-CR-332-B noted on each

payment mailed or delivered to:

Clerk of Court
Northern District of Texas
1100 Commerce Street, Room 1452
Dallas, Texas 75242

The Court has the discretion to order the requested relief pursuant to the All Writs Act, which provides that “all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” *See* 28 U.S.C. § 1651. The government has conferred with counsel for the defendant, who has no objection to the requested order in aid of the plea agreement.

Thus, the government moves for an order directing the defendant or his agents to submit payments by cashier’s check made payable and delivered to the Clerk of Court before sentencing as set forth above. Further, the government moves for an order for the Clerk of Court to accept presentence payments to be held on deposit until sentencing, and thereafter apply those funds toward the criminal monetary obligations imposed against the defendant as provided by law and in accordance with the Clerk’s standard operating procedures.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY

/s/ Joseph A. Magliolo
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CERTIFICATE OF CONFERENCE

I hereby certify that on August 3, 2020, I conferred with counsel for Alishaev, Susan G. Kellman, who informed me that she is unopposed to the relief the government seeks in this motion.

/s/ Joseph A. Magliolo
Joseph A. Magliolo
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2020, I electronically filed the above Notice of Appearance of Counsel with the Clerk of Court for the United States District Court, Northern District of Texas, using the electronic case filing system of the Court. This filing provided electronic notice of this document to opposing counsel of record.

/s/ Joseph A. Magliolo
Joseph A. Magliolo
Assistant United States Attorney